

# Notice of Allowability

Application No.

10/520,634

Applicant(s)

DE KONING, CORNELIS  
JOHANNES

Examiner

Igor Kershteyn

Art Unit

3745

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to \_\_\_\_\_.
2. ☒ The allowed claim(s) is/are 1-11.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☒ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 04/07/2005
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. John C. Holman (Reg. No. 22,769) on 11/22/06.

The application has been amended as follows:

#### **IN THE CLAIMS:**

In claim 1:

In line 2, ",such as slurries" has been deleted,

In line 9, "that can be" has been changed to --which is--,

In line 13, "(circular)" has been changed to --circular--.

In claim 6, line 4, ", in particular" has been deleted.

In claim 7, line 2, "the" has been changed to --an--.

In claim 7, line 3, "(50)" has been deleted.

In claim 9, line 3, "the preformed" has been changed to --a preformed--.

In claim 10, line 3, "(50a)" has been deleted.

The above changes to the claims have been made to overcome indefiniteness rejections and to correct inaccuracies.

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**IN THE SPECIFICATION:**

In page 1, heading "Description" has been changed to –Field Of The Invention--.

In page 2a, between lines 9 and 10, "Summary Of The Invention" has been added.

In page 4, lines 12-13, "The invention will now be explained in more detail with reference to the drawings, in which:" has been changed to –Brief Description Of The Drawings--.

In page 4, between lines 20 and 21, "Detailed Description Of The Invention-- has been added.

The above changes to the specification have been made to include section headings.

***Reasons for allowance***

The following is an examiner's statement of reasons for allowance:

The instant invention is deemed to be directed to an unobvious improvement to a diaphragm pump which provides a diaphragm pump with improved output capacity and optimum life span.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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***Prior Art***

Prior art made of record but not relied upon is considered pertinent to Applicant's disclosure and consist of two patents.

Bosio (4,212,589) is cited to show a diaphragm pump having a clamping member but fails to teach a flange parallel to the clamping plane.

De Longchamp (4,416,599) is cited to show a diaphragm pump having a clamping member but fails to teach a flange parallel to the clamping plane.

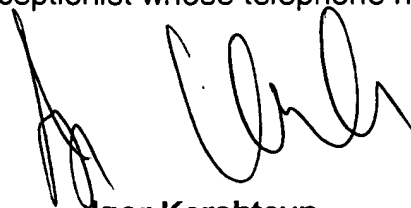
***Contact information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Kershteyn whose telephone number is **(571)272-4817**. The examiner can be reached on Monday-Friday from 8:00 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look, can be reached on **(571)272-4820**. The fax number is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308 0861.

IK  
November 24, 2006



IGOR KERSHTEYN  
PRIMARY EXAMINER

Igor Kershteyn  
Primary Patent examiner.  
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